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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/460,222	12/13/1999	NAOYASU MIYAGAWA	JEL-28567RE-E	2208

7590 08/23/2005

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EXAMINER

HINDI, NABIL Z

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 08/23/2005

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9/4/00 222

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20050822

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Commissioner for Patents

The reply brief dated Mar 24, 2005 is entered.


NABIH HINDI
PRIMARY EXAMINER
GROUP 2500
2/2/05



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Naoyasu MIYAGAWA, et al. Art Unit: 2655
Appln. No.: 09/460,222 Examiner: N. Hindi
Filed: December 13, 1999
For: OPTICAL RECORDING/REPRODUCING APPARATUS FOR
OPTICAL DISKS WITH VARIOUS DISK SUBSTRATE
THICKNESSES

SUPPLEMENTAL REPLY BRIEF

ok to enter
WA

This appeal was remanded to the examiner on January 6, 2004, for the purpose of reconsideration of the recapture rejection in light of the precedential Board decision in *Ex parte Eggert et al.*¹ decided May 29, 2003 by an expanded panel of the Board of Patent Appeals and Interferences. This Decision illuminates various CCPA and CAFC decisions cited in the Answer, such as *Hester Industries*, *In re Clement*, *Ball Corp.*, *Pannu*, and *Mentor*.

The Supplemental Examiner's Answer (hereinafter, "Answer") of January 24, 2005, addresses various issues in addition to those raised by *Eggert*.

This Supplemental Reply Brief addresses the points of argument asserted in the Answer, which include (1) arguments directed to the

¹67 USPQ2d 1716 (BPAI 2003); hereinafter, "*Ex parte Eggert*," "*Eggert et al.*" or "*Eggert*" refers to this decision and not the earlier board decisions also involving *Eggert et al.*